

REMARKS

The applicants appreciate the acknowledgement of the claim for priority under section 119 and the notice that the certified copy of the priority document has been received.

Further, the applications appreciate and acknowledge receipt of a copy of the initialed form PTO 1449 that was filed on 21 June 2004.

Claims 1 – 13 are pending. The applicants respectfully request reconsideration and allowance of this application in view of the above amendments and the following remarks.

Claims 2 – 5 and 7 – 13 were rejected under 35 USC 112, second paragraph, as being indefinite. The claims have been amended to reduce the indefiniteness. It is respectfully requested that the rejection therefore be reconsidered and withdrawn.

Independent claim 1 was rejected under 35 USC 102(e) as being anticipated by U.S. Patent Publication No. 2002/0123840, Obata et al. (“Obata”). Claims 2 – 5, 8, 10 and 12 were rejected under 35 USC 103(a) as being unpatentable over Obata. Claims 6, 7, 9, 11 and 13 were rejected under 35 USC 103(a) as being unpatentable over Obata, further in view of U.S. Patent No. 4,651,157, Gray et al. (“Gray”). Insofar as the rejections can be applied to the claims as amended, the rejection is respectfully traversed for reasons including the following, which are provided by way of example.

As described in the application, the invention recognizes the problems caused by charging for use of a communication channel, where the communications are associated with a terminal that can be switched between traveling machines (and hence between entities that should be charged for the communications). (E.g., specification p. 1, line 18 – p. 2, line 3; p. 2 lines 18 – 23.)

Independent claim 1 is directed to a traveling machine management system. Independent claim 1 recites in combination, for example, “a terminal provided on a traveling machine; and a server connected to the terminal through a communication channel, the server configured to facilitate managing the traveling machine, associating a unique and fixed identifier with the terminal, associating a communication period having a start and an end with the terminal and with a user, acquiring the identifier of the terminal from a communication from the terminal, and indicating that the communication is from the user only during the communication period and for communications having the identifier associated with the terminal.”

In operation, by managing the communication period associated with a terminal based on the terminal identifier, charges for communications during the communication period can be appropriately billed, the (E.g., specification page 5, lines 7 – 13.)

On the other hand, without conceding that Obata discloses any feature of the present invention, Obata is directed to timely reporting on vehicle positions to a control center (Abstract). According to Obata, the vehicle position can be reported at fixed intervals. “If the specified time has passed, the current position information is reported (S400)... [t]his position information may include supplemental information such as vehicle number, the date and time of the position measurement, and vehicle speed and the like.” (Paragraph [0028].)

The office action asserts that Obata anticipates the invention as claimed. To the contrary, Obata fails to set forth each and every element found in the claims. “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d

1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

Obata fails to teach or suggests, for example, “a terminal provided on a traveling machine,” in combination with “associating a unique and fixed identifier with the terminal.” (See, e.g., claim 1.) To the contrary, Obata teaches associating the vehicle number with the vehicle. Indeed, the office action relies heavily on the association of the vehicle number with the vehicle as teaching the identified associated with the terminal. This fails to teach or suggest the identified associated with the terminal. Accordingly, a traveling machine with Obata’s identifier still suffers from the issues identified in the specification.

Furthermore, Obata fails to teach or suggest associating a communication period with the terminal. To the contrary, the communication period is associated with a particular vehicle.

In addition, Obata fails to teach or suggest associating the communication period with a user. There is simply nothing in Obata to associate a “communication period” with any particular user.

Moreover, Obata fails to teach or suggest indicating that the communication from the terminal is from the user only during the communication period and for communications having the identifier associated with the terminal. To the contrary, it appears that Obata would indicate that communications are from the particular vehicle regardless of the communication period. In any event, Obata fails to teach or suggest the identifier associated with the terminal, and accordingly cannot check the terminal identifier.

Obata fails to teach or suggest, for example, these elements recited in independent claim 1. It is respectfully submitted therefore that claim 1 is patentable over Obata.

For at least these reasons, the combination of features recited in independent claim 1, when interpreted as a whole, is submitted to patentably distinguish over the prior art. In addition, Obata clearly fails to show other recited elements as well.

With respect to the rejected dependent claims, applicant respectfully submits that these claims are allowable not only by virtue of their dependency from independent claim 1, but also because of additional features they recite in combination. For example, claim 3 recites that “the server further is configured to facilitate interacting with the user to determine whether the user information acquired prior to the resale or transfer will be re-used during the updated communication period.”

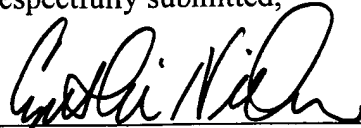
Applicants respectfully submit that, as described above, the cited prior art does not show or suggest the combination of features recited in the claims. Applicants do not concede that the cited prior art shows any of the elements recited in the claims. However, applicants have provided specific examples of elements in the claims that are clearly not present in the cited prior art.

Applicants strongly emphasize that one reviewing the prosecution history should not interpret any of the examples applicant has described herein in connection with distinguishing over the prior art as limiting to those specific features in isolation. Rather, for the sake of simplicity, applicants have provided examples of why the claims described above are distinguishable over the cited prior art.

In view of the foregoing, the applicants submit that this application is in condition for allowance. A timely notice to that effect is respectfully requested. If questions relating to patentability remain, the examiner is invited to contact the undersigned by telephone.

If there are any problems with the payment of fees, please charge any underpayments and credit any overpayments to Deposit Account No. 50-1147.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Cynthia K. Nicholson', written over a horizontal line.

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